

**VERMONT BOARD OF MEDICAL PRACTICE**  
**Minutes of the April 6, 2016 Board Meeting**  
**Gifford Medical Center, Randolph, Vermont**

**Unapproved**

**1. Call to Order; Introduce New Members; Call the Roll; Acknowledge Guests:**

William K. Hoser, PA-C called the meeting to order at 12:12 P.M.

**Members Present:**

Brent Burgee, MD; Richard Clattenburg, MD; Michael Drew, MD; Faisil Gill; Patricia Hunter; David A. Jenkins; Leo LeCours; David Liebow, DPM; Sarah McClain; Christine Payne, MD; Joshua Plavin, MD; Marga Sproul, MD.

**Others in Attendance:**

David Herlihy, Executive Director; Paula Nenninger, Investigator; Christiana Coyner, Board Investigator; Karen LaFond, Operations Administrator; Margaret Vincent, AAG; Katherine Pohl, AAG; Elizabeth Tisher, AAG; ; Bill Reynolds, AAG; George K. Belcher, Presiding Officer.

**2. Public Comment:**

None

**3. Approval of Minutes of the March 2 and March 16, 2016 Board Meetings:**

Dr. Drew moved to accept the minutes of the March 2, 2016 meeting. Dr. Hayward seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

Ms. McClain moved to accept the minutes of the March 16, 2016 meeting. Dr. Hayward seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

**4. Board Issues (Mr. Hoser):**

Mr. Hoser reminded members that he will be attending the Federation of State Medical Boards annual meeting and noted he would be attending with Mr. Herlihy and Patricia Hunter, as well as Patricia King, MD, PhD, former Chair of the Board.

**5. Administrative Update (Mr. Herlihy):**

Mr. Herlihy reminded members to submit their expense reports on time.

Mr. Herlihy advised members that the Commissioner of Health had recently requested board funds to be used to support a Department of Health training on Lyme Disease. He noted that in 2015, the Board supported the use of funds for this purpose; the training was part of the compromise that avoided setting the standard of care in statute.

Mr. Herlihy informed members that the elicense system was scheduled for an upgrade on April 7<sup>th</sup> and asked Ms. LaFond to provide an update. She noted that the external access for licensees had been shut down as of the close of business on April 4<sup>th</sup> and the notice of the dark out dates was provided more than 2 weeks in advance. She stated that applications incomplete in the system when it was shut down were deleted. Also, although the LTL licenses are in progress at this time, Ms. Hayes had been working very closely with the licensing coordinators at the hospitals to reduce the number of applicants who would be affected by the system being down. Ms. LaFond thanked Ms. Hayes for the extra work she put in to process large batches of applications in a condensed period of time and hoped the upgrade would be successfully implemented. She stated the system would be on-line again no later than April 11<sup>th</sup>.

Mr. Herlihy informed members that he, Ms. Nenninger, and Ms. Coyner attended a Community Forum on Opioids on April 4<sup>th</sup> in Montpelier. Medication Assisted Therapy (MAT) for opioid dependence was a major topic of discussion, specifically the need for more prescribers and the challenges for those who prescribe. Mr. Herlihy asked Board members for their views on whether it the Board should work on offering training for medical offices that prescribe buprenorphine, especially for support staff.

**6. Presentation of Applications (12:30 p.m. – 12:45 p.m.):**

Applications for physician and physician assistant licensure, and certifications of radiologist and anesthesiologist assistants were presented and acted upon as detailed in Appendix A, incorporated by reference into these minutes.

**7. Presentations to the Board (12:45 p.m. – 1:15 p.m.):**

**8. Recess; Convene hearing to discuss any stipulations or disciplinary matters that are before the Board (1:15 p.m. – 1:45 p.m.)**

- **In re: Diane Marlene Roston, MD – MPN 098-0515 – Stipulation and Consent Order**

Mr. Belcher and Ms. Tisher addressed the Board, summarizing the facts leading up to the Stipulation and Consent Order. Mr. Jenkins made a motion to approve the Stipulation and Consent Order. Dr. Liebow seconded the

motion. The motion passed; opposed: none; abstained: none; recused: North Investigative Committee.

- **In re: Melanie M. Canon, MD – MPC 014-0116 – Cessation of Practice Agreement**

Mr. Belcher and Mr. Tisher addressed the Board, summarizing the facts leading up to the Cessation of Practice Agreement. Dr. Hayward made a motion to approve the Cessation of Practice Agreement. Ms. McClain seconded the motion. The motion passed; opposed: none; abstained: none; recused: Central Investigative Committee.

**9. Reconvene meeting; Executive Session to Discuss:**

- **Investigative cases recommended for closure**
- **Other matters that are confidential by law, if any**

The Board began discussion of this topic out of order, before the scheduled time for the beginning of the public hearing. Ms. Hunter made a motion at 12:33 p.m. to go into Executive Session to discuss confidential matters related to investigations. Dr. Clattenburg seconded the motion. The motion passed; opposed: none; recused: none; abstained: none. Ms. McClain made a motion at 12:53 p.m. to return to Open Session. Dr. Liebow seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

Dr. Drew made a motion at 1:09 p.m. to enter into Executive Session to discuss confidential matters related to investigations. Dr. Plavin seconded the motion. The motion passed; opposed: none; abstained: none; recused: none

**10. Return to Open Session; Board Actions on matters discussed in Executive Session:**

Dr. Drew made a motion at 1:39 p.m. to return to Open Session. Ms. Hunter seconded the motion. The motion passed; opposed: none; abstained: none; recused: none.

**Mr. LeCours, North Investigative Committee, asked to close:**

MPN 020-0216 – Letter #1

Ms. McClain made a motion to close the cases presented. Ms. Hunter seconded the motion. The motion passed; opposed: none; abstained: none; recused: North Investigative Committee.

Ms. Hunter made a motion to refer MPN 137-0815 to the Criminal Division of the

Office of the Assistant Attorney General for investigation. Seconded by Mr. Jenkins. The motion passed; opposed: none; abstained: none; recused: North Investigative Committee.

**Mr. Jenkins, Central Investigative Committee, asked to close:**

MPC 154-1015 – Letter #1; Dr. Sproul recused  
MPC 032-0216 – Letter #1  
MPC 183-1215 – Letter #1

Mr. LeCours made a motion to close the cases presented. Dr. Hayward seconded the motion. The motion passed; opposed: none; abstained: none; recused: 1 and Central Investigative Committee.

**Dr. Reich, South Investigative Committee, asked to close:**

MPS 006-0116 – Letter #1; Dr. Sproul recused  
MPS 016-0116 – Letter #1; Dr. Sproul recused  
MPS 178-1215 – Letter #1  
MPS 186-1215 – Special Letter #1

Dr. Plavin made a motion to close the cases presented. Dr. Hayward seconded the motion. The motion passed; opposed: none; abstained: none; recused: 1 and South Investigative Committee.

**11. Board Actions on Committee recommendations with regard to any non-confidential matters:**

None

**12. Other Business:**

Mr. Herlihy informed the Board that the Vermont Supreme Court heard oral argument on March 29<sup>th</sup> in the case of Stephanie Taylor, MD, and that he would advise them of the final decision when it becomes publically available.

Mr. Herlihy shared information from a report in Consumer Reports regarding medical board websites. Vermont ranked number 29 out of 65 sites surveyed.

Mr. Herlihy summarized the FSMB meeting March 8. FSMB facilitated a discussion of issues surrounding the Supreme Court case of ***FTC vs. North Carolina Board of Dental Examiners***. Two leading experts in antitrust law were present. Helpful advice was provided at the meeting on how to minimize the potential for antitrust issues and there was discussion of possible legislative solutions at the federal level

for the long term. Mr. Herlihy also explained that one outcome from that decision was that a number of different suits have been filed by private parties against professional licensing boards in other states and that sometimes Board members are named in their individual capacity, as well as official. He invited AAG Margaret Vincent to explain how Vermont law provides for representation and indemnification, and she did, explaining that Board members are treated as state employees for this purpose. AAG Bill Reynolds noted that the standard used for determining whether an employee is represented and indemnified is such that the determination is most always going to be in the favor of the member. Members were invited to ask questions about antitrust litigation.

#### Legislative Update

Mr. Herlihy informed members that he testified earlier the same day via telephone on H.690, the Acupuncture Bill, which, if passed, will allow physicians (MD and DO) and physician assistants to practice acupuncture without an acupuncture license.

Mr. Herlihy noted that, regarding H. 559, the House accepted the suggestions of including PAs and podiatrists, and adding Canadian physicians to the exemption that allows MDs and DOs who are licensed in another state and who are employed by or formally designated as a team physician to treat members of the athletic team, coaches, and staff when the team is visiting in Vermont for a specific sporting event. Those changes were included in the version passed by the House. He had testified on April 1 in the Senate, and it appears the bill will pass.

Mr. Herlihy provided an updates on S. 243, which covers prescribing issues. S.201 and the "as introduced" version of S.243 were replaced by the version passed by the Senate Health and Welfare Committee. The sections of the earlier versions that had concerned the Board were dropped. He advised that he would look into having the Board testify in the House and that he would work with Dr. Sproul, who had been picked as the Board's MD representative on this bill at an earlier meeting.

#### **13. Upcoming Board meetings, committee meetings, hearings, etc.: (Locations are subject to change. You will be notified if a change takes place.)**

- **April 14, 2016, North Investigative Committee Meeting, 12 p.m., Vermont Department of Health, 108 Cherry Street, 3<sup>rd</sup> Floor, Conference Room 2C, Burlington, VT**
- **April 15, 2016, Central Investigative Committee Meeting, 9 a.m., National Life – North Building: Calvin Coolidge Conference Room – 6<sup>th</sup> Floor of the Deane C. Davis Building, Montpelier, VT**
- **April 20, 2016, Board meeting on pending applications, 12:10 p.m.,**

**Board of Medical Practice office, 108 Cherry Street, 2<sup>nd</sup>, Floor  
Burlington, VT (and via telephone)**

- **April 20, 2016, South Investigative Committee Meeting, 12:00 p.m.,  
Asa Bloomer State Office Building, 4th Floor, Room #492, Rutland,  
VT**
- **May 4, 2016, Licensing Committee Meeting, 10:30 a.m., Gifford  
Medical Center, Red Clover Conference Room, Randolph**
- **May 4, 2016, Board Meeting, 12 p.m., Gifford Medical Center, Red  
Clover Conference Room, Randolph**

**14. Open Forum:**

**15. Adjourn:**

Dr. Hayward made a motion to adjourn. Ms. McClain seconded the motion. The motion passed; opposed: none; abstained: none; recused: none.

Meeting adjourned at 2:52 p.m.

**Attachments: Appendix A**

Respectfully submitted,

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Karen A. LaFond  
Medical Licensing & Operations Administrator

## **APPENDIX A**

### **Presentation of Applications**

**Mr. Hoser moved for the issuance of physician licenses and physician assistant licenses for:**

Susan Brodeur, PA-C

Stephani Carone, PA-C

David Cohen, MD

Daniel Correa De Sa, MD  
Patricia Fintak, MD  
Rony Greemburg, MD  
Amy Klinger, PA-C  
Christopher O'Brien, MD  
Bing Ren, MD  
Helen Schottel, MD  
Sarah Sliva, MD  
Samuel Stoyak, MD  
Sarah Twichell, MD

Dustin Dippen, MD  
Jonathan Flyer, MD  
Emily Greenberger, MD  
David Kovalski, MD  
Deirdre O'Reilly, MD  
Courtney Riley, MD  
Tara Scribner-Metcalf, MD  
Lindsay Smith, MD  
Ahmen Sulieman-Daoud, MD

Roxanne Edwards, MD  
Michael Freedman, MD  
Ravinder Kang, MD  
Patti Miller, MD  
Robert Raut, MD  
Faranak Sadri Tafazoli, MD  
Hillard Sharf, MD  
Ahmen Soliman, MD  
Le Thu, MD

Recommended by Mr. Gill for licensure. Seconded by Dr. Plavin. The motion passed; opposed: none; abstained: none; recused: none.

**Mr. Hoser moved for the issuance of Limited Temporary Physician licenses for:**

Kateryna Bertuch, MD  
Marta Kokszyńska, MD  
Ashwini Sharma, MD

David Harari, MD  
Nina Narasimhadevara, MD  
Mrinal Shukla, MD

Saranya Kodali, MD  
Adam Olszewski, MD

Recommended by Mr. Gill for licensure. Seconded by Dr. Liebow. The motion passed; opposed: none; abstained: none; recused: none.